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MONTEVIDEO 2052

E.O. 11652: GDS
TAGS: SHUM, UY
SUBJECT: AMERICAN BAR ASSOCIATION MISSION: A TWO-MONTH ASSESSMENT
REF: (A) MONTEVIDEO 1182 (B) MONTEVIDEO 1227

1. SUMMARY: TWO MONTHS AFTER THE FACT, THE AMERICAN BAR ASSOCIATION'S EARLY-APRIL STUDY MISSION CONTINUES TO IMPRESS AS THE SINGLE MOST IMPORTANT PHENOMENON TO AVE AFFECTED THE HUMAN RIGHTS POSTURE OF THE PRESENT URUGUAYAN GOVERNMENT. THE AEA VISIT AND ITS RECOMMENDATIONS TO THE GOU HAVE SERVED AS AN UBERELLA FOR CONTINUING EMBASSY CONTACTS WITH MODERATE ELEMENTS OF THE GOU AND A USEFUL DEVICE TO KEEP THEIR ATTENTION FOCUSED ON THE PROBLEMS RAISED BY BUTLER AND REQUE. CLOSELY MONITORING DEVELOPMENTS FOLLOWING THE MISSION, WE HAVE FOUND, OVERALL, AN ENCOURAGING DEGREE OF PROGRESS. ALTHOUGH THERE HAS BEEN NO MOVEMENT IN SOME AREAS, THERE AT LEAST HAS BEEN NO EVIDENT BACK-
2253.2. AN ASSESSMENT OF SPECIFIC AREAS OF INTEREST FOLLOW BELOW.
END SUMMARY.

2. THE FOUR LAWYERS -- THE BUTLER-REQUE MISSION SIGNLED OUT FOR SPECIAL ATTENTION FOUR ATTORNEYS, ARRESTED FOR DEFENDING RETAINED SUBVERSIVES, WHO WERE RELEASED CONDITIONALLY PRIOR TO THE MISSION'S ARRIVAL. THREE (SCHURMAN, BIASCO AND FABERI) HAVE PETITIONED THE CIVILIAN COURT OF JUSTICE AKFORMER SUPREME COURT) TO OVERTURN THEIR PREVIOUS CONVICTIONS AND LIFT THE ORDERS DISBARRING THEM. (FRAGA, SCHURMAN'S LAW PARTNER, IS AWAITING THE OUTCOME OF THE LATTER'S APPEAL BEFORE FILING HIS OWN.) NONE HAVE BEEN HARASSED FURTHER BUT ALL ARE DIS-
COURAGED OVER APPARENT FOOT-DRAGGING BY THE COURT. HIGH-
LEVEL MILITARY WHO HAD ASSURED US THAT THE CASES WOULD BE "TAKEN CARE OF" WERE CHAGRINED ON RECENTLY HEARING OTHERWISE AND PROMISED ACTION. THE DELAY COULD HAVE RESULTED FROM THE GOU'S ENDENIC LACK OF FOLLOW-UP, WITH NO ONE HAVING TRANSHITTED THE NECESSARY SIGNAL TO THE COURT OF JUSTICE. WE ANTICIPATE ACTION ON THE PETITIONS IN THE RELATIVELY NEAR FUTURE.

3. FACULTY OF LAW -- THERE HAVE BEEN NO FURTHER DISMISSALS OR SYMPATHY RESIGNATIONS FROM THE LAW SCHOOL FACULTY SINCE THE AEA VISIT, ALTHOUGH GOU HARDLINERS MAY HAVE ALREADY ACCOMPLISHED THEIR AIMS BEFORE THEN. SOURCES IN THE LEGAL PROFESSION INDICATE THAT OF SOME 40 PROFESSORS KNOWN TO BE ON THE "PURGE LIST", ALL BUT TWO HAD BEEN REMOVED OR RESIGNED IN SYMPATHY BY EARLY APRIL, IN A PROCESS EXTEND-
ING BACK TO MID-1977. THE TWO SURVIVORS ARE A MINOR MYSTERY: BOTH WERE ACTIVE IN THE CHRISTIAN DEMOCRATIC PARTY (A FRENTE AMPLIO PARTICIPANT), MAKING THEM PRIME TARGETS FOR DISMISSAL. THEY MAY HAVE BEEN SAVED BY THE AEA VISIT. IN ANY CASE, ALTHOUGH NO INDIVIDUALS HAVE BEEN RESOTRED, THERE ARE NO REPORTS OF NEW GOU PRESSURES ON THE FACULTY.

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE A/RPS/PS
Margaret P. Griefeld, Director
(X) Release () Excise () Deny
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4. THE COLLEGE OF LAWYERS (URUGUAY'S ABA) -- THE COLLEGE RESPONDED TO THE ABA VISIT WITH ENCOURAGING SIGNS OF LIFE, AFTER SEVERAL YEARS OF NEAR-TOTAL ABDICATION BEFORE GOU HARASSMENT OF THE LEGAL PROFESSION. THE COLLEGE IS TO RENEW ITS EXECUTIVE COMMITTEE THROUGH ELECTIONS LATER THIS MONTH. AN ATTEMPT TO MOUNT A PRO-GOVERNMENT SLATE WAS BEATEN BACK BY ACTIVIST ELEMENTS LED BY ANIBAL BAREEGELATA AND ENRIQUE TARIGO, WHO LEAD THE NEW LIST. THE LIST IS AWAITING MINISTRY OF THE INTERIOR APPROVAL (CURRENTLY REQUIRED FOR ALMOST ALL PRIVATE ORGANIZATIONS).. WHILE THE COLLEGE HAS YET TO SPEAK OUT ON BEHALF OF ANY OF THEIR PERSECUTED COLLEAGUES, WE ANTICIPATE THAT THE NEW EXECUTIVE BOARD WILL ATTEMPT A MORE VIGOROUS POSTURE.

5. INSTITUTIONAL ACT NO. 8. -- SINCE GOU SPOKESMEN FRANKLY TOLD THE ABA MISSION THAT ACTION TO RESCIND IA-8 WOULD HAVE TO AWAIT THE NEW CONSTITUTION (SCHEDULED FOR 1982), NO FORMAL CHANGES HAVE OCCURRED OR BEEN EXPECTED. HOWEVER, WE DETECT AN INCREASING AWARENESS AMONG SENIOR MILITARY THAT THE ACT WAS A PRODUCT OF THE GOU'S CIVILIAN EXTREMIST IDEOLOGUES AND IS AN EMBARRASSMENT. THIS ATTITUDE SHOULD STRENGTHEN THE HAND OF MODERATE ELEMENTS WITHIN THE COUNCIL OF STATE AND ELSEWHERE WHO WILL PARTICIPATE IN DRAFTING THE NEW CONSTITUTION.

6. EMERGENCY SECURITY MEASURES -- OFFICIALLY, THESE "MEDIDAS PRONTAS" REMAIN ON THE BOOKS UNCHANGED. IN PRACTICE, THEIR USE HAS BEEN DISCONTINUED FOR THE PAST FEW MONTHS EXCEPT IN THE MONTEVIDEO AREA. THE POLICE HAVE TOTALLY (AND QUIETLY) ENDED FURTHER RECOURSE TO THE EMERGENCY MEASURES, WHILE THE MILITARY'S ANTI-TERRORIST STRIKE FORCE (OCHOA) IS BEING PROGRESSIVELY NEUTRALIZED THROUGH THE SIMPLE EXPEDIENT OF CUTTING ITS OPERATING BUDGET. MEANWHILE, THE NAVY HAS CONTINUED SOME APPARENTLY UNCOORDINATED AND INDEPENDENT "ANTI-SUBVERSIVE" ACTIVITY, INCLUDING THE TEMPORARY REARREST OF RICARDO VILARDO SANGUINETTI AFTER HIS RELEASE BY THE SUPREME MILITARY TRIBUNAL. A SENIOR MILITARY SOURCE RECENTLY CLAIMED THAT 235 PERSONS DETAINED UNDER THE "MEDIDAS" HAVE BEEN RELEASE THIS YEAR. WE ARE PRESSING FOR OFFICIAL CONFIRMATION, INCLUDING THE NAMES OF THOSE RELEASED.

7. HONOR TRIBUNALS -- THE COLLEGE OF LAWYERS RAISED WITH THE ABA MISSION ASTRONG (AND LEGITIMATE) CONCERN OVER THE TOTALITARIAN POTENTIAL OF PROPOSED LEGISLATION TO CREATE GOU-CONTROLLED COMMISSIONS TO DISCIPLINE THE PROFESSION. MODERATE ELEMENTS OF THE QUASI-LEGISLATIVE COUNCIL OF STATE, WHICH WAS CALLED BACK FROM VACATION LAST MARCH TO CONSIDER THIS LEGISLATION ON AN EMERGENCY BASIS, HAVE SUCCESSFULLY HELD IT UP FOR INTENSIVE "STUDY". ABSENT PRESSURE FROM THE MILITARY, WHICH HAS NOT BEEN EXERTED TO DATE, THE MODERATES BELIEVE THEY CAN KEEP THE PROPOSAL PIGENHOLED IN COMMITTEE. THE COUNCIL IS FORMED ALMOST ENTIRELY OF PROFESSIONALS, AND EVEN ITS MORE CONSERVATIVE ELEMENTS HAVE REACTED AGAINST THE PROPOSAL.

8. MILITARY JUSTICE SYSTEM -- NO PATTERN OF CHANGES IN ARREST AND TRIAL PROCEDURES HAS BEEN NOTED, NOR HAS THERE BEEN ANY MOVEMENT TOWARD RETURNING "NATIONAL SECURITY" CASES TO CIVILIAN

COURTS. HOWEVER, IN APPARENT RESPONSE TO THE BUTLER/REQUE MISSION, CHIEF MILITARY JUDGE COL. SILVA LEDESMA RECENTLY RELEASED TO THE PRESS THE GOU'S MOST COMPLETE STATISTICAL RUN-DOWN TO DATE ON THE WORK OF THE MILITARY JUSTICE SYSTEM. IN HIS STATEMENT, SILVA MADE SPECIFIC REFERENCE TO THE ABA MISSION, NOTING THAT IT HAD BEEN "AGREEABLY SURPRISED" WITH THE RATE AT WHICH MILITARY COURTS WERE PROCEEDING (ABOUT 900 CASES PER YEAR SINCE 1972). NOTING THAT BUTLER HAD ENCOURAGED THE COURT TO PUBLICIZE ITS RELEASE OF PERSONS, SILVA ANNOUNCED SOME 250 DETAINEES HAD BEEN RELEASED DURING 1978. EXTRAPOLATING FROM HIS FIGURES, THERE SHOULD BE STILL ABOUT 1900 DETAINEES IN THE MILITARY JUSTICE SYSTEM. AN UNKNOWN NUMBER ARE STILL IN THE INVESTIGATIVE STAGE, NOT YET UNDER SILVA'S JURISDICTION, AND BEING HELD UNDER THE MEDIAS PRONTAS. THIS LATTER TOTAL MAY NOW BE DOWN TO SOMEWHERE

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P3 BETWEEN ONE TO FIVE HUNDRED. THE EMBASSY IS CONTINUING TO PRESS FOR FURTHER INFORMATION, ESPECIALLY THE IDENTITY OF THOSE RELEASED.

9. MISTREATMENT OF PRISONERS -- THE EMBASSY HAS NOTED A FALL-OFF IN REPORTS OF MISTREATMENT OF PRISONERS DURING 1978. OCCASIONAL CASES STILL NOTED MOSTLY TEND TO INVOLVE LONG-TIME PRISONERS ACCUSED OF VIOLENT CRIMES AND/OR THOSE WHO HELD LEADERSHIP POSITIONS IN THE TUPAMARO MOVEMENT (E.G. WASHINGTON DE VARGAS SACONE). EMBASSY POLICE SOURCES STRONGLY DENY ANY POLICE MISTREATMENT OF PRISONERS (APPARENTLY WITH REASON), CLAIMING THAT AN INTERNAL DIRECTIVE TO PUNISH OFFENDERS WAS APPLIED IN AT LEAST ONE SPECIFIC CASE THIS YEAR. THE GOU REPORTEDLY HAS INFORMED THE INTERNATIONAL RED CROSS OF ITS INTEREST IN RENEWING RELATIONS, THEREBY PERMITTING IT BACK INTO URUGUAY TO VERIFY TREATMENT OF PRISONERS, BUT HAS YET TO OPEN DIRECT NEGOTIATION WITH THE ICRC TOWARD THIS END.

10. FREEDOM OF INFORMATION -- COINCIDENT WITH THE ABA MISSION, THERE HAS BEEN A DISCREET BUT SIGNIFICANT INCREASE IN THE EDITORIAL BREATHING SPACE OF THE MEDIA, PARTICULARLY THE PRESS. INDEPENDENT EL DIA HAS GENERALLY TAKEN THE LEAD, COMMENTING FREQUENTLY ON THE NEED FOR AN INDEPENDENT JUDICIARY AND LEGAL PROFESSION, AND

ETURN TO A DEMOCRATICALLY ELECTED GOVERNMENT. PRO-GOVERNMENT EL PAIS, WHILE NOT TAKING A CRITICAL LINE, HAS PRAISED THE GOU'S POSITIVE REACTION TO THE ABA VISIT AND FORECEFULLY TOLD THE GOU THAT ITS COMMITMENT TO RETURN TO CONSTITUTIONAL RULE IN 1981 REQUIRES A RESTORATION OF PRESS FREEDOM AND FREEDOM OF ASSEMBLY NOW. (WE UNDERSTAND THIS LAST EDITORIAL WAS INSPIRED AND EDITED BY GENERAL ALVAREZ.) THIS NEW VENTURESOMENESS PROMPTED THE GOU'S MORE REACTIONARY CIVILIAN ELEMENTS TO PRESSURE EL PAIS INTO BACKING OFF BUT OWNER CARLOS SCHECK (A NOTED ALVAREZ SUPPORTER) RESISTED. AT THE WORKING LEVEL, A MORE MODERATE AND ACCOMMODATING TONE IN THE MILITARY'S WATCHDOG RELATIONSHIP WITH THE PRESS IS DISCERNIBLE.

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